DOCUMENT RESUME

ED 177 722 EA 012 218

TITLE	Report of the Architectural and Transportation Barriers Compliance Board for Fiscal Years 1976 and 1977.
INSTITUTION	Architectural and Transportation Barriers Compliance Board, Washington, D.C.
PUB DATE	[78]
NOTE	37p.; For related documents, see EA 012 217-219; Submitted to the President and the Congress of the United States
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Architectural Barriers; *Compliance (Legal); Facility Guidelines; Federal Government; Federal Legislation; *Federal Regulation; *Physically Handicapped; *Standards; *Transportation
IDENTIFIERS	*Architectural Barriers Act 1968; Rehabilitation Act 1973

ABSTRACT

This is the third report of the Architectural and Transportation Barriers Compliance Board to the President and the Congress. It covers fiscal years 1976 and 1977. Section A of this report is devoted to a review of the board's early compliance policy and program initiatives. It includes a discussion of the board's "General Notice of Guidance to Compliance System Development" and board procedures and enforcement regulations. Section B summarizes an analysis of findings and recommendations for a federalwide compliance system and discusses the next step in developing a specific agency accessibility compliance system. Section C reports on board compliance cases that have been processed and are in various stages of completion. Reports on activities by the Office of Public Information and the National Advisory Committee on an Accessible Environment conclude the report. (Author/MLF)

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REPORT of the US ARCHITECTURAL and TRANSPORTATION BARRIERS COMPLIANCE BOARD

to the President
and the Congress:
1976-1977

EA 012 218

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REPORT

OF THE

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

FOR

FISCAL YEARS 1976 and 1977

Submitted to

The President and the Congress of the United States

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FOREWORD

Congress passed the Architectural Barriers Act of 1968 "to ensure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped." This Act remains the basis of Federal agency accessibility regulations.

The statute, as amended, specifies that the compliance effort include prescribing accessibility standards, implementing investigations and surveys, and preparing an annual report on activities related to accessibility standards.

The Administrator of General Services, the Secretary of Defense, the Secretary of Housing and Urban Development, and the Postmaster General of the United States Postal Service are mandated to prescribe standards for designing, constructing, and alterating buildings within their respective jurisdictions. Each of the four may modify or waive any of the standards on a case-by-case basis.

The four heads listed above are to establish individually a system of continuing surveys and investigations to ensure compliance with their respective standards. The Administrator of General Services also has control over those structures covered by the Act but not subject to the other three standards. The Administrator must report annually to the Congress on those standards issued, amended, repealed, waived or modified during the year.

The Architectural and Transportation Barriers Compliance Board was established by Section 502 of the 1973 Rehabilitation Act (P.L. 93-112) to ensure compliance with accessibility standards described by the Architectural Barriers Act of 1968 (P.L. 90-480). This Act requires all federally funded buildings designed, constructed, altered, or leased since 1968 to be accessible to and usable by physically handicapped persons.

Established as a quasi-independent agency, the A&TBCB consists of cabinet-level officials, or their designees, from nine Federal agencies--the departments of Health, Education, and Welfare; Defense; Housing and Urban Development; Labor; Interior; Transportation; and the General Services Administration; Veterans Administration; and the U.S. Postal Service. Accessibility standards from the Department of Defense, Department of Housing and Urban Development, the U.S. Postal Service, and the General Services Administration are drafted in consultation with the Secretary of Health, Education, and Welfare who chairs the Board. To help Board staff carry out its enforcement mandate, the

A&TBCB was empowered by the 1974 amendments to the Rehabilitation Act of 1973 (P.L. 93-516) to issue a final and binding order of compliance, including withholding or suspending Federal funds to any U.S. agency or agent subject to the Architectural Barriers Act of 1968.

The Rehabilitation Act of 1973 (P.L. 93-112) grants the Board four-fold authority: (1) to investigate alternative approaches to the architectural, transportation, attitudinal barriers confronting handicapped individuals particularly with respect to public buildings, monuments, parks and parklands; (2) to determine what measures are being taken by Federal, State, and local governments and by public and other non-profit organizations to eliminate these barriers; (3) to recommend to the President and the Congress new legislative and administrative changes to eliminate barriers; (4) to conduct investigations, issue compliance orders, and hold public hearings.

INTRODUCTION

This is the third report of the Architectural and Transportation Barriers Compliance Board (A&TBCB) to the President and the Congress. It covers fiscal years 1976 and 1977 and complies with legislative requirements for two different reports.

1. The Rehabilitation Act of 1973 (Public Law 93-112), Section 502 as amended, requires the A&TBCB to submit an annual report of its activities. The report covers three areas: planning, policy, and program development; compliance; and public information. And it summarizes the activities of the National Advisory Committee on an Accessible Environment.

2. Section 201(7)(b) of Public Law 95-541, 90 Stat. 1508, 29 USC 792(b) requires the A&TBCB to report annually to the Public Works and Transportation Committee of the House and the Environment and Public Works Committee of the Senate its actions to ensure compliance with standards prescribed under the Architectural Barriers Act of 1968 (Public Law 90-480).

This first compliance report spans the period from the A&TBCB's first activity in March 1974 to October 1977.

I. POLICY, PLANNING, AND PROGRAM DEVELOPMENT

Long-range Goals of the A&TBCB

In November 1975 the Board adopted a list of six goal statements outlining the Board's responsibilities:

1. To assume a coordinating role to develop and revise prescribed standards and to assure that such standards provide access to and use of all federally funded facilities.

2. To promulgate such regulations and guidelines as may be necessary to ensure compliance with barrier-free design standards prescribed in accordance with P.L. 90-480, as amended.

3. To exercise a system of compliance, including such procedures of compliance as monitoring, investigating, conducting hearings, drafting legislation, and providing technical assistance as authorized by statute and prescribed standards.

4. To exercise a system of research to investigate the existence of barriers in attitude and environments, efforts made to eliminate such barriers, and to plan and propose alternative approaches.

5. To carry out a national program of public awareness to promote the elimination and prevention of barriers.

6. To report to the President and Congress such information as required or necessary to detail progress made in achieving the purpose of legislation.

Major Policy Statements Issued by the A&TBCB During FY 1976 and 1977

Two major A&TBCB policy statements were published in the Federal Register during fiscal years 1976-1977. First, on July 1, 1976, came the "Guidelines for Compliance Systems Development" outlining the various components of the Board's compliance system. These guidelines gave general notice to all concerned parties of the preliminary development of additional guidance and direction to assure implementation of Section 502 of the Rehabilitation Act of 1973 (P.L. 93-112). By approving these guidelines, the Board adopted the centralized/decentralized concept of compliance systems development. The Board's efforts to implement these guidelines and the development of the Board's compliance system will be discussed at length in Section II of the Annual Report.

Second, on December 20, 1976, the "Practices and Procedures for Compliance Hearings" was published in the Federal Register. These regulations established the mechanism making it possible for the Board to process complaints alleging noncompliance with the standards prescribed by the Architectural Barriers Act of 1968. This fulfilled the Board's second long-range goal. These regulations are outlined briefly in Section II of this report.

Major Contracts Issued by the Board during Fiscal Years 1976 and 1977

1. Management analysis of the Board contracted to the Center for Public Management, for August 1976 to March 1977. The contract was designed to obtain a total management analysis of the Board's operations, including its long-range goals, development of an operational planning system, and estimation of the resources needed to carry out these plans.

2. Provision of administrative and support services for the National Advisory Committee on an Accessible Environment contracted to Rehab Group, Inc.

3. Provision of logistic and administrative support services for conducting a national hearing on the recreation needs of handicapped persons contracted to Tufts University Medical Rehabilitation Training Research Center. The contract included assembling the final report called, Access to Recreation. The hearing was held in October 1976 in Boston, Massachusetts.

4. Development of the Board's A&TBCB agency-wide compliance system contracted to Peat, Marwick, Mitchell, and Co. for July 30, 1976, to June 2, 1977. This project provided technical support to the Board and its member agencies during development of the various elements of a centralized/decentralized compliance system.

5. Development and implementation of a pilot agency accessibility compliance system contracted to the Center for Public Management. The project was to produce a functional agency accessibility compliance system which (1) uses existing agency compliance elements as much as possible; (2) serves as a model for developing other agency compliance systems; and (3) fulfills the requirements necessary to the Board's centralized compliance system by establishing and refining the agency components to interact with the Board.

6. Advertising and support services for the Board's public awareness campaign, "Access America," contracted to the Public Advertising Council, Los Angeles, California, September 30, 1977, through September 29, 1978. The objective of this project is to research, develop, and conduct an intensive national public awareness campaign promoting the need to eliminate architectural barriers.

7. Indexing the Board's resource library contracted to Auerbach Associates, Inc., September 30, 1977, to February 1, 1978.

8. Inventory and assessment of barrier-free related research and literature contracted through the Small Business Administration to Systems Group, Inc., for June 30, 1976, to January 31, 1977. This contract produced Resource Guide to Literature on Barrier-free Environments.

II. COMPLIANCE ACTIVITIES

Section A of this report is devoted to a review of the Board's early compliance policy and program initiatives. It includes a discussion of the Board's "General Notice of Guidance to Compliance System Development" and Board procedures and enforcement regulations. Section B summarizes an analysis of findings and recommendations for a federal-wide compliance system and discusses the next step in developing a specific agency accessibility compliance system. Section C reports on A&TBCB compliance cases that have been processed and are in various stages of completion.

Compliance Policy and Program Initiatives

1. Initial A&TBCB Concerns

The compliance activities of the A&TBCB were focused initially on two vital compliance aspects: (1) the need for information about each member's compliance mechanism structure, policies, interpretations and procedures to ensure compliance and to assist in improving agency compliance endeavors; and (2) the need for clarifying those terms and requirements relating to agency responsibilities.

An explanation of Board powers and responsibilities, rather than agency requirements, is the main thrust of section 502 of the Rehabilitation Act of 1973. As a result, early Board interest focused on the nature of needed or implied compliance activities such as Board reviews of agency standards, waivers, leases, supplemental standards issued by nonstandard-making agencies, and the concept of coverage over structures used in grant or loan programs financed by the Federal government. For Board purposes, these discussions cannot only clarify Board responsibilities, but also define the limits of agency powers.

The Board's effort in both of these areas included a detailed review of the recommendations in the GAO report, Further Action Needed to Make All Public Buildings Accessible to the Physically Handicapped. This document highlights a study conducted between July and December 1974 and published in July 1975.

Initially, the Board functioned through selected agency liaison staff who, like the Board members, also continued to be responsible for their agency duties. This group was assigned the tasks of conducting a further study of existing agency compliance mechanisms and developing and recommending an appropriate A&TBCB compliance program.

The Interagency Compliance Committee, established by the A&TBCB in September 1974, found wide diversity in agencies' interpretation of coverage, adequacy of compliance procedures, allocation of compliance authority among the parts of an agency, coordination of compliance officials, commitments in contracts for construction or alteration, agency monitoring of contracts, available compliance resources, and agency corrective practices. The Committee recommended: (1) "agency program plans" for each Federal agency; (2) agency regulations; (3) monitoring of contract implementation; (4) inventory of all covered and non-covered federally-funded buildings; and (5) affirmative programming for barrier removal.

In late 1974, the Committee recommended that the Board act as a compliance-monitoring umbrella over intensified agency compliance activities. This group was instrumental in stimulating a Board decision to acquire its own full-time staff and director. An Executive Director and A&TBCB staff were appointed in March 1975. Agency liaison staff and agency interests continued to be of great importance to the work of the Board, but were perceived as being necessarily distinct from the A&TBCB.

2. General Notice on Guidance to Agencies

Programmatic reasons led the Board to recognize early that voluntary agency compliance would be crucial in developing an A&TBCB compliance program and that such a program would need to be decentralized. This decentralized approach would require the Board to make every effort to assist agencies in developing internal systems enabling them to enforce compliance within their individual agencies. The Board would then monitor these systems to ensure compliance with Public Law 90-480.

It was also recognized that the Board would need to serve as a focus for obtaining, reviewing, and evaluating policies and regulations for the Federal agencies involved in construction and to develop a decentralized compliance system to be deployed throughout the Federal Government.

An A&TBCB General Notice for Federal Agency Compliance System Development was published in the Federal Register of July 1, 1976, 41 F.R. 29192 et seq.

The Notice was advisory and informational, and no comments were required. The Board prepared a practical base for compliance system development by recognizing in early 1974 the need for such a system, establishing a Division of Compliance in June 1975, and adopting A&TBCB planning goals in January 1976.

The General Notice applies to all Federal agencies and provides a statement of those agency processes and components necessary to ensure effective and efficient compliance within each agency. These, in turn, are tied to close agency and A&TBCB cooperation.

The General Notice requests that each Federal agency identify a single compliance element to maintain permanent liaison with the Board. It will be responsible for designing, developing, and implementing compliance programs. This element is also expected to learn about and communicate to its agency information regarding A&TBCB compliance program requirements.

It is stressed throughout that an agency compliance effort must be a coordinated one, having identified compliance officials appropriately placed within each applicable facet of the agency. The responsibilities of these officials should focus on the review and assessment of: (1) existing agency compliance policies, mechanisms and procedures; (2) existing information and storage and retrieval systems; (3) agency technical capacity for developing, implementing, operating, and supporting a system of compliance; and (4) review and assessment of agency programs having authority to fund covered facility construction, alteration and leasing.

The development of an information system for assessing and providing information to initiate and operate a compliance program is considered to be a basic management tool in an agency compliance effort. A project tracking and reporting system for monitoring purposes is a necessary adjunct for such a system. In this area, the guidance given identifies a need for timely and accurate findings at five key points: (1) pre-design state; (2) preliminary plans; (3) working drawings and specifications; (4) actual construction; and (5) renovation and post occupancy. A directive for each agency to develop a method to verify the accuracy of its reporting and certifying process is also included.

The General Notice further addresses the need for timely agency response to inquiries. These inquiries can be expected to range from a formal complaint alleging noncompliance to questions of design construction and the technical feasibility of a project. In this area, the A&TBCB guidance emphasizes corrective action procedures, agency technical assistance, and training to ensure that all involved personnel have full knowledge of compliance requirements and an opportunity to expand or improve their technical capacities.

3. Practices and Procedures for Compliance Hearings

On December 7, 1976, the A&TBCB met in special session to adopt procedural regulations to establish a system for administratively adjudicating instances of noncompliance and issuing appropriate orders.

The regulations reflect two important statutory changes enacted after the creation of the A&TBCB. (1) Amendments to the Rehabilitation Act of 1973 in Public Law 93-516 strengthened Board compliance authority. One change provided that any order deemed necessary to ensure compliance affecting any Federal department, agency, or instrument of the United States should be final and binding on that party. (2) Another amendment provided that an order of compliance may include the withholding or suspension of Federal funds with respect to any building not to be in compliance with the prescribed standards.

The regulations contain many of the features usually associated with hearings under the Administrative Procedures Act and some particularly needed features expected to be helpful in resolving accessibility compliance issues and questions.

A&TBCB complaints from any source are processed by the Board. A prompt notice of a complaint is forwarded to all concerned parties, including the agency having custody and control of the facility, the agency occupying the facility, and any other interested parties, such as a government contractor or grantee, or lessor of the facility. It is Board policy to first attempt and encourage voluntary, informal resolution to ensure maximum compliance. A sixty day period for informal resolution is provided for this purpose. Under appropriate circumstances, however, at any time during this period, or at the end of the sixty days, the Executive Director may issue a citation or a determination not to proceed. The citation contains specific allegations of noncompliance and initiates formal proceedings which may result in the suspension or withholding of funds. A determination not to proceed is a formal, final agency action an individual may ask a court to review.

The Office of Personnel Management (previously called the Civil Service Commission) would make available, on a reimbursable cost basis, such Administrative Law Judges (ALJ) as are needed by the A&TBCB. The decision of an ALJ containing a recommendation, findings of fact and conclusions of law,

becomes a final decision unless appealed to the Board. Other than those members involved in the dispute Board members serve as an appellate body, considering the record. Provision is made to maintain the confidentiality of complainants, but complainants and other potential parties may, if they choose, petition to participate. Complainants are regularly advised of the status of cases based upon their complaints and receive a copy of the final ALJ or A&TBCB decision.

The regulations provide for expedited relief to be obtained in cases where immediate or irreparable harm from noncompliance is occurring or is about to occur, such as the case where concrete is about to be poured.

Such hearings are scheduled before the ALJ within eight days and the entire administrative hearings process is significantly accelerated. In the absence of such unusual circumstances, hearings are scheduled within 15 days, and the entire process is designed to to be completed within 180 days after the initial filing of the complaint. Should the decision of the ALJ be appealed to the A&TBCB, this action must be initiated within 14 days after receipt of the Judge's decision. The response to the appeal must be concluded within 10 days after receipt of the appeal.

B. Federal-wide Compliance System Development

During early 1976, the Board concluded, from an analysis of its early compliance policy and program initiatives, that a more specific, comprehensive and single-purpose effort was needed to design and develop an A&TBCB government-wide compliance system for ensuring compliance with Public Law 90-480. The Board required an analysis of the unique characteristics of the parties involved in this kind of program.

Through a contract with the firm of Peat, Marwick, Mitchell & Co., the Board sought to obtain the objective investigation, analysis and recommendations needed for such a system. The work of the contract was begun in August 1976 and, with interim reports provided during the year, was completed in June 1977. The five interim reports and the Executive Summary prepared by the contractor are available for study in the office of the Executive Director of the A&TBCB.

1. Findings of the Study

The findings from the contractor's study are summarized as follows:

a. Level of Compliance and Awareness

Achieved levels of compliance and awareness vary greatly throughout the government. Although most agencies made a policy commitment and the central office of many agencies wholeheartedly attempted to see that the policy was implemented, implementation at the field level is, at best, uneven. In some organizations, it is nonexistent.

b. Difficulty of Implementation

Implementation difficulties result from:

- o the range of behavior and vast number of persons affected by the law; and
- o the detailed and poorly understood particulars of the design standards.

The contractor found very few new construction programs where the standards were regarded as excessively costly or burdensome to implement. On the other hand, the alteration programs often disclosed that the expense of meeting the broadest interpretation of the standards in alterations could be great. In leasing programs, it was frankly admitted that the required space could not be leased if all space was required to meet even a narrow interpretation of the ANSI standards. In new construction programs, the problem does not concern funding but rather that the announcement of a policy alone is not sufficient to achieve compliance. The process of designing and constructing buildings is extremely complex and detailed.

c. Current and Proposed Compliance Measures

Viewed largely as "red tape," i.e., they are mainly retroactive in perspective and procedural in form. A strong bias toward the procedural rather than the structural, attitudinal or educational type of compliance activity emerged. Most compliance activities were "check-up" types of procedures. This included reviewing and signing drawings, filling out checklists on the completion of drawings and construction, signing certifications, and reporting on projects. Not many personnel participated in educational or publicity programs

dealing with accessibility. The paperwork annoys the personnel and often has no impact at all on the design or con-construction.

d. Lack of Information

The government lacks quantitative information concerning the extent of compliance with Public Law 90-480. Managers must be able to ascertain the rate of progress, the strong and weak geographic and program areas, and compliance activities that seem to produce the most cost-effective results. In practice, building managers, neither independent nor expert in assessing accessibility, performed the surveys. In short, little meaningful quantitative information exists about the current level of compliance in the Federal design, construction, alteration and leasing processes.

2. Recommendations for Agencies

The contractor's recommendations concerned the agencies and the Board and were derived from a proposed relationship between the two groups in a cost-effective compliance system.

a. Each agency must formulate and enforce its own compliance system because of individual differences. Selection of the activities should be appropriate to the size of its building programs; the nature of the programs (grant, loan, lease, direct Federal); type of facilities involved; manner in which the facilities are designed and constructed, e.g., in-house, under contract, by grantee; and organizational structure of the agency, e.g., centralized or decentralized.

b. The agencies should adopt compliance systems designed to affect behavior in a balanced manner.

c. Each agency shall implement certain elements to promote government-wide cooperation; establish an accessibility office; adopt an inquiry response policy and procedure, and institute a system to identify the level of compliance and pinpoint weak areas in the agency's compliance; establish a method for meeting the Board's reporting requirements; and identify a technical contact person affiliated with the Board.

3. Recommendations for the Board

The principal compliance activity should now be directed toward assessing the levels of compliance. These levels would be measured for each of the building features covered by the standards and would be expressed as a fraction of the occurrence of compliance with each feature. To perform these surveys, design of a simple, automated reporting system was specified in Interim Report C. It was suggested that each agency supply information for each of its projects. If compliance levels are high, provision is made for supplying this information for entire programs rather than for individual projects. If compliance is low, this information is provided at each stage of a project's progress.

The agencies could use this information to adjust their own accessibility systems. Based on the level of compliance, the Board could relax or intensify the survey process. The results could form the basis of the Board's report to the Congress. The firm concluded that rigorously designed sample surveys are the most cost-effective compliance activity that the Board can now undertake.

As the level of compliance significantly increases, the size and expenses of the field survey program can be reduced. It is anticipated that the level may increase as awareness of the requirements increases and as accessibility becomes automatic. The number of complaints may increase and become the primary means of detecting noncompliance.

4. Immediate Action Suggestions

For agencies, the contractor recommended that the Board arrange with each of its member agencies to design and implement a pilot compliance system with Board assistance.

For the A&TBCB, the contractor recommended that:

- the Board establish a Field Survey Task Force to resolve the technical issues concerning measurement methods, standards and forms;
- arrange for the field survey inspection force to be provided by agency internal audit departments, Board staff or contractors;
- create a training program for survey inspectors; and
- design the sampling plan.

5. Pilot Agency Compliance System

The A&TBCB studied, discussed, and digested the findings and recommendations of Peat, Marwick, Mitchell & Co. In considering the immediate action recommendations, the Board decided initially to concentrate efforts on developing and implementing a single agency pilot compliance system. In part, this reflected the recognition that A&TBCB staff would have to be redirected to concentrated work in this area. The decision also reflected the Board's determination to work toward a compliance system of maximum excellence with a single agency before attempting such an effort with each of the nine member agencies.

The pilot agency selected by the A&TBCB for this effort would be expected to participate in an in-depth study of specific compliance program characteristics and to cooperate with the Board in considering and implementing recommended agency initiatives. To assist the A&TBCB in this undertaking, the Board contracted with the Center for Public Management in September 1977.

The agency selected was the Department of Health, Education, and Welfare, which, with broad and varied responsibilities, agreed to examine and have examined such matters as the identification of HEW compliance officials, written legal opinions, forms of coverage, workload, computer usage, tracking procedures, training of personnel and degree of HEW compliance with accessibility standards. The HEW Office of Facilities Engineering was selected to serve as the focal point of the project.

The pilot program with HEW was begun in October 1977. A preliminary report was scheduled for completion no later than May 1978.

The Board also began discussions for a second pilot project with those agencies prescribing standards under the Architectural Barriers Act. The A&TBCB expects that the lessons drawn from these studies will be applicable both to other member agencies and to the Federal government at large.

Handling of Complaints

In the period covered by this report, there has been a significant increase in agency initiatives directed to recognizing, disclosing and correcting accessibility problems and to receiving, investigating and resolving complaints of noncompliance. Many such communications have been made directly to the agencies and, where appropriately handled, never reported to the A&TBCB.

1. A&TBCB Complaints

Complaints received by the A&TBCB during the period covered by this report were generated by many sources, including Congressional referrals, veterans and public interest groups, organizations primarily interested in handicapped persons, government employees, and individuals who desired to participate in federally funded programs and events but were barred from them because of inaccessibility. The tables on pages 14-17 profile the distribution of complaints by Federal and nonFederal agencies during Fiscal Years 1976 and 1977. The tables also include a breakdown of the 314 complaints derived from the results surveys of federally-funded buildings by the General Accounting Office.

Some aspects of these tables require elaboration. Certain complaints are lodged against a facility involving, or housing, more than one agency. Under such instances, the identical complaint is forwarded to each agency.

If an agency has responsibility for resolving a specific complaint, or has provided funding for a subject facility, that agency is requested to conduct a review and submit appropriate information and documentation to the Board. A complaint is considered in the processing stage if it is being reviewed or investigated or if a corrective plan of action is being processed to resolve the facts of alleged noncompliance.

Complaints received by the A&TBCB about the U.S. Postal Service are forwarded to that agency for resolution. A&TBCB assistance and advice on resolving these complaints is available. The Board has agreed with the interpretation, however, that there is no A&TBCB jurisdiction to "ensure compliance" with the accessibility standards prescribed by the U.S. Postal Service under the Architectural Barriers Act of 1968, as amended by Public Law 94-541.

2. Cases under A&TBCB Jurisdiction

Two citations have been issued under A&TBCB enforcement procedures. The first alleged violations in the Union Station-National Visitors Center complex in Washington, D. C. The citation specified that the lower track area, information booths, bookstore, and other areas were inaccessible. The second citation alleged violations in the Southeast Program Center of the Social Security Administration in Birmingham, Alabama. The citation said the building had inaccessible entrances and restroom facilities and had inadequate tactile identification and warning systems. Both citations were pending adjudication at the end of the fiscal year. Administrative hearings are expected to take place in 1978.

1976

COMPLAINTS RECEIVED 7/1/75 TO 9/30/76
(Including 6 complaints received during 1974 and first half of 1975; first complaint on record was received 1/14/74)

Agency	Complaints Received: 53		Complaints Resolved			Complaints Pending Resolution
	# against a facility under the agency	# in which another agency is involved	Not covered by P.L. 90-480		Covered by P.L. 90-480	
			corrective action taken	No further action	Corrective action taken	
GSA	9	6	4(3)***	-	3(1)	2*(2)
HUD	4	-	-	4	-	-
HEW	7	1	-	3	2	2*(1)
DOT	4	-	-	1	3	-
DOD	4	-	-	-	4	-
USPS	10	-	1	4	5	-
DOI	3	-	2	1	-	-
VA	4	4	2(2)	-	1(1)	1(1)
DOL	-	-	-	-	-	-
IRS	1	1	1(1)	-	-	-
Smithsonian Institution	1	-	1	-	-	-
Federal Reserve Board	1	-	-	1	-	-
Federal Election Commiss.	1	-	-	1	-	-
Non-Federally Funded Facil.	10	-	8	2	-	-
TOTAL**	53	6	16	17	17	

*Citation issued for GSA/HEW facility.
**Totals do not include double counting of multiple-agency complaints.
***Numbers in parentheses are the number of complaints involving two agencies.

1977
COMPLAINTS RECEIVED 10/1/76 TO 9/30/77

Agency	Complaints Received		Complaints Resolved			Complaints pending Resolution and/or determination of 90-480 coverage.	
	# against a facility under the agency	# in which another agency is involved	Not covered by PL 90-480		Covered by PL 90-480	Open less than 60 days	Open more than 60 days
			Corrective action taken	No further action	Corrective Action taken		
GSA	21	10	3(1)****	3(1)	3(2)	11(6)	1
HUD	13	2	-	3	2(1)	1	7(1)
HEW	20	6	2(1)	2(1)	3(1)	9(3)	4
DOT	18	4	-	2	6(1)	6(1)	4(2)***
DOD	6	2	-	2	4(2)	-	-
USPS	9	2	1	3	3(3)	2(1)	-
DOI	3	1	1	-	-	1	1(1)*
VA	2	-	-	-	-	1	1
DOL	2	-	-	-	1	1	-
ERDA	1	-	1	-	-	-	-
Justice	1	-	-	1	-	-	-
Dept. of State	1	-	-	-	-	1	-
Lib. of Congress	1	-	1	-	-	-	-
Nat'l. Archives	1	-	-	1	-	-	-
DOA	1	1	-	-	-	1(1)	-
Nat'l Gallery of Art	1	-	-	-	1	-	-
CSC	1	1	-	-	-	1(1)	-
Smithsonian Institution	1	-	-	-	1	-	-
Nonfederally funded facilities	9	-	3	3	-	3	-

(continued next page)

1977
COMPLAINTS RECEIVED 10/1/76 TO 9/30/77

Agency	Complaints Received		Complaints Resolved			Complaints pending Resolution and/or determination of 90-480 coverage.	
	# against a facility under the agency	# in which another agency is involved	Not covered by PL 90-480		Covered by PL 90-480	Open less than 60 days	Open more than 60 days
			Corrective action taken	No further action	Corrective Action taken		
Complaint Withdrawn	1	-	-	-	-	-	-
Pending receipt of more information, e.g. nature of complaint	3	-	-	-	-	-	-
Total**	100	14	11	19	20	30	16

*Citation issued to DOL/DOT facility.
**Totals do not include double counting of multiple-agency complaints.
***Regarding 1 of these complaints, DOT stated more information was needed from Complainant.
****Numbers in parentheses are the number of complaints involving two or more agencies.

Complaints Summary - as of 9/30/77

GAO COMPLAINTS RECEIVED
(all complaints were received
from GAO on 1/9/76 and 4/12/76)

Agency	Complaints Received	Complaints Resolved			Complaints Pending Resolution
	Against a facility under the agency	Not covered by PL 90-480		Covered by PL 90-480	
		Corrective action taken	No further action	Corrective action taken	
GSA	93	-	14	76	3*
HUD	19	-	-	-	19**
HEW	81	-	-	-	81*
DOD	114	-	19	88	7*
USPS	6	-	1	5	-
Soldier's Home	1	-	-	-	1***
TOTAL	314	-	34	169	111

*Response has been received and is being evaluated.
**Responses for 15 complaints have been received and are being evaluated. Remaining 4 will be forwarded by HUD.
***Forwarded to general counsel for review.

In another arena, the Executive Director issued two determinations not to proceed. Both determinations involved major buildings and facilities. In the first, officials of the Department of Defense made changes voluntarily in the main employee cafeteria in the Pentagon. While the Pentagon itself was constructed before the Architectural Barriers Act, the Pentagon cafeteria was renovated after 1968. The renovation excluded handicapped individuals from using the cafeteria.

The second determination not to proceed was issued in connection with an A&TBCB complaint alleging inaccessibility of the Gallery Place subway station in the new Washington, D. C. subway system. The matter was (and still is) pending in the United States District Court for the District of Columbia. It was determined that an A&TBCB citation would duplicate the pending court action.

III. OFFICE OF PUBLIC INFORMATION

The main task of the Office of Public Information is to provide materials to both professionals and consumers emphasizing the need to eliminate architectural, transportation, and attitudinal barriers confronting handicapped individuals. The office's main objectives for fiscal years 1976 and 1977 were to: (1) carry out a national program of public awareness to promote and facilitate the elimination and prevention of barriers; (2) respond to public inquiries asking for information as to how to eliminate barriers confronting handicapped individuals; (3) report to the President and Congress about the Board's activities and the progress made in achieving the purposes of architectural barriers legislation; (4) promote the use of the international accessibility symbol in all public places in compliance with prescribed standards; (5) prepare for public hearings conducted by the Board.

A major effort to create national awareness of environmental barriers was the "Access America" campaign adopted by the Board in November 1975. The title "Access America" was filed with the U.S. Patent Office as a trademark for the A&TBCB public awareness campaign. In August 1976 the Board approved the public information budget sufficient for staff to begin work on developing the "Access America" campaign. Recognizing the need for a private advertising firm to provide the necessary technical expertise, Board staff contracted with the Public Advertising Council of Los Angeles, California. The contractor will develop and distribute television and radio public service announcements, posters and other print materials. The distribution date for materials is September 1978.

The public service announcements, posters, and ads are aimed at increasing the awareness of both the disabled and able-bodied population in two distinct message areas: (1) needless physical and attitudinal barriers exist in most environments impeding the mobility and degree of access for persons with disabilities. The "state of the handicapped" may indeed be the result of a hostile environment rather than a physical and mental disability. Barrier free design benefits all persons including the elderly, temporarily disabled, and families of disabled persons. (2) Since 1968, Federal legislation has guaranteed to all persons the right of access to and use of buildings designed, constructed, leased, or altered with Federal funds. A formal complaint process exists to be used by persons denied such access. Information on filing such complaints may be obtained from the Board.

The second phase of "Access America" programs will provide the need for cooperation among Board staff and State and local handicapped advocacy organizations. A variety of publications and other materials are

designed for use by local groups. Coordination of efforts to remove barriers on all levels will provide a powerful need for accelerating widespread barrier-free designs in construction.

The Board's second national hearing, designed to gather information on recreation needs of handicapped persons, was held in Boston, Massachusetts during October 1976. The Board invited twenty-two witnesses from around the nation to present their views on recreation needs of handicapped persons and how these needs may be met. Many others were invited to submit written statements. Access to Recreation, the hearings final report, was published in September 1977. The report makes the following recommendations about recreation needs of handicapped individuals. These include: (1) development of a national policy on the recreation needs of handicapped persons; (2) formulation of programs and policies to aggressively implement existing laws requiring access to recreation facilities; (3) involvement of disabled individuals in recreation programs planning and evaluation; (4) appropriation of funds to stimulate research on new technology, equipment, programs in recreation and to explore the use of outdoor space for handicapped persons.

The Board was invited to present a "Tuesday at the White House" program in February 1976. The invitation extended by the White House representatives of business, professional, service, and governmental community were presented with a program highlighting the need to make our national environment accessible to all people.

As part of the White House program, a 14-minute color film on environmental accessibility entitled "Access America" was produced by the Board. Made on location in several cities around the nation, the film shows examples of functional, convenient, and safe environmental design responsive to human needs. The film is available on a free-loan basis from the National Audio/Visual Center, General Services Administration, Washington, D. C. 20409.

In late 1976 the Board published "Access Travel: A Guide to the Accessibility of Airport Terminals" for handicapped travelers. The guide covers 118 airport terminals, lists 71 accessibility features--including reserved parking, ramps, lower telephones and drinking fountains, and accessible restrooms--and indicates which airports have these features. Covering the special needs of persons in wheelchairs and blind, deaf, and elderly persons, the guide was the first such publication for any segment of public transportation.

"Access Travel" proved to be so popular that the Rueben H. Donnelley Corporation, publishers of the Official Airline Guide, started reprinting regularly information from "Access Travel" with the spring issue of their Travel Planner and Hotel/Motel Guide.

In 1977 the guide was popularized in another survey of airports being conducted and a new and more expanded version of the guide is being published by the Federal Aviation Administration (FAA). Entitled "Access Travel: Airports," the guide lists 69 accessibility features in 220 airport terminals internationally. This publication is distributed by the FAA and the Consumer Information Center in Pueblo, Colorado.

The Public Information Office handles the bulk of general inquiries--correspondence and telephone calls--received by the Board. Individual requests for the Board's publications are averaging more than 200 per week. Most callers and writers request more than one publication, so the number of publications distributed actually runs far higher than 200 per week.

Increasing emphasis has been placed on publicizing the Board and its activities through news releases directed to a number of key audiences; news media, handicapped organizations and individuals, advocacy groups and members of Congress. Of special interest were news releases about Board citations. Several releases generated considerable news coverage.

In 1977 the Board exhibited at a number of national meetings of such professional and handicapped organizations as the National Paraplegic Foundation, National Rehabilitation Association, International Disabled Exposition, and the President's Committee on Employment of the Handicapped. During these meetings, Board staff distributed publications, described its work and answered questions. A popular pamphlet was "Access America: The Architectural Barriers Act and You," explaining how to file a complaint with the Board. The Board plans to exhibit at 13 conventions next year.

In January 1977 the Board published Resource Guide to Literature on Barrier-Free Environments. The publication was contracted through the Small Business Administration to Systems Group, Inc., for the period of June 30, 1977 through January 31, 1978. The objective of the project was to assemble, categorize, analyze and report on barrier-free environmental activities at Federal, State, local and private levels.

This project produced a guide to the state-of-art of knowledge and literature on barrier-free design. The book is intended for professionals in the field and for the interested public. Among subjects examined are architectural, transportation, recreation, accessibility standards, legislation, attitudes, types of disabilities, aids and devices. The guide has been distributed nationally to all universities, schools of designs, departments of architecture, and vocational and rehabilitation centers.

The most widely distributed Board publication is "Access America: the Architectural Barriers Act and You." The Board is distributing this pamphlet in quantity to many handicapped consumer organizations. This publication is also available in braille and on cassette.

IV. ACTIVITIES OF THE NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

The 1974 amendments to the Rehabilitation Act of 1973 mandated the establishment of a consumer advisory panel to provide guidance, advice, and recommendations to the Board in fulfilling its responsibilities. The purpose of the NAC is to use the knowledge, talents, and experience of its members to assist Board staff in planning and programming activities.

The selection process for the members of this Committee entail seeking nominations from over 100 national organizations representing handicapped persons, each Board member, and the 55 members of the Board-related Senate and House Committees. The criteria used to select the NAC members included: (1) experience in areas related to Board concerns; (2) knowledge of rehabilitation of handicapped persons; (3) affiliation with organizations representing interests of consumers; and (4) strength of endorsement. Since the 1974 amendments required that half of the Committee members be handicapped, each candidate's disability was also considered. Other factors influencing the decision were age, sex, race, and geographical location.

In December 1975 the Board staff presented to Board members a list of the 15 best qualified candidates and a proposed charter for the NAC. The Board approved the nominees, plus one additional nominee, and the NAC charter. The original NAC members are still serving with the exception of one person. The Board charter established the duties and responsibilities of the NAC as follows: (1) to advise the Board on responsibilities, policies, plans, and proposals for actions necessary to make public buildings, facilities, and transportation systems accessible to handicapped people and to eliminate attitudinal and behavioral barriers impeding the realization of an accessible environment; (2) to propose legislative and administrative measures to be taken by Federal, State, and local governments to eliminate architectural and transportation barriers; (3) to provide the Board with ideas from organizations, groups, and individuals having an interest in alleviating environmental and attitudinal barriers and to act as a conduit of information and cooperation for handicapped consumer organizations and groups representing handicapped individuals supporting comprehensive and consistent policies and actions as required and desirable for eliminating all barriers.

The first meeting of the NAC was held May 10-11, 1976, in Arlington, Virginia. At this meeting the Committee elected Mr. Mason H. Rose, V, as its chairperson and Ms. Judy Heumann as vice chairperson. The Committee adopted structure paralleling the A&TBCB staff organization. These subcommittees were planning and research, budgetary, compliance, legal issues, and public information.

Later, subcommittee names were changed to legal (and compliance), budgetary (planning and research), and public information.

Based on a need for communication and NAC action between meetings, two additional subcommittees were formed. The executive subcommittee, composed of each subcommittee chairperson and the NAC chairperson, is charged with maintaining continuity and progress between meetings. The public awareness planning subcommittee is responsible for conducting and planning the NAC public awareness sessions.

The NAC determined that their NAC tasks would be conducted by subcommittees. Specific action items would be assigned to the most appropriate subcommittee to be performed with input from the appropriate Board staff person. Conceptually, the NAC would be a task-oriented working subcommittee conducting business both at meetings and between meetings with Board staff collaboration.

It should be noted that the level of NAC activity has increased from merely conducting meetings to preparing position papers and recommendations for Board actions. The NAC has been dealing more with itself as a committee, with each successive meeting to identify Board functions from a consumer standpoint.

The NAC has indicated that training consumers in compliance procedures should be its highest priority. To achieve this goal, the NAC has sponsored two public awareness sessions. The first was held in Berkeley, California, in July 1977 with an audience of about 70 people. The second public awareness session took place in Washington, D.C. It was attended by about 50 people.

The NAC has determined that the sponsoring of public awareness sessions in various regions of the country fulfills one of its responsibilities as stated in the charter--mainly, to provide the Board with advice from organizations, groups, and individuals having an interest in eliminating all kinds of barriers. In addition, the NAC uses the public awareness sessions as training activities for consumers regarding their rights to accessibility and the procedures for filing a complaint with the Board if this right is denied.

Another indication of NAC activity was the preparation of eleven recommendations appearing as action items on the Board's agenda for September 20, 1977. These included recommendations for the Board to develop and disseminate materials telling about its function, to organize a national training and technical assistance program, to establish the Board as an independent agency, and to publish handicapped parking regulations.

At the September 20, 1977, meeting the NAC established a schedule of meetings for the coming year. Meetings will be held in Atlanta, Washington, D. C., Portland, and Boston. The committee will continue to hold public awareness sessions at each meeting. Because consumer ideas are increasingly important to the Board, the NAC plans to submit more recommendations to the Board at its subsequent meetings.

CONCLUSION

Civilizations are known for the kinds of walls they build--architectural and attitudinal. America is no exception. But in recent years, to paraphrase Robert Frost, the United States is asking who it's walling in or out? It should, for today between 35 and 50 million handicapped Americans are kept from fully participating in and contributing to society. The barriers may be architectural, transportation, or attitudinal.

The desire to break down these walls led to the creation of the A&TBCB. The pace of A&TBCB compliance activity accelerated during Fiscal Years 1976 and 1977 as its scope of effort widened and its impact was felt throughout the Federal establishment.

Initiated and guided by the Board, each member agency reviewed with the Board its compliance with the requirements of the Architectural Barriers Act of 1968. A permanent staff was selected and organized to address the A&TBCB compliance mandate. Federal agency compliance guidance and Board enforcement regulations were developed and published. As an initial and needed part of an A&TBCB compliance program, a decentralized and voluntary system of agency compliance was implemented, and the Board undertook the systematic receipt and processing of complaints.

Board appointment of a National Advisory Committee not only led to the receipt of important and useful advice from consumers but forged a link to advocacy organizations and other elements of the general public. With Board assistance and support, a program of consumer education about the role, function and compliance procedures of the A&TBCB was begun. The Board received a comprehensive report from a contractor on the characteristics of a Federal-wide compliance system disclosing many ideas and options useful both to Board member agencies and to other government agencies.

Among the more important Board initiatives of the period was the development of a pilot agency compliance program. The Department of Health, Education, and Welfare became the subject of intensive analysis both by the agency and a private firm under contract with the Board. The "Access America" campaign and the joint Congressional resolution declaring the third weeks of May 1978 and 1979 as "National Architectural Barrier Awareness Week" has awakened America to the needs of its handicapped citizens.

The Board is also developing plans for A&TBCB-sponsored regional symposia at which compliance-related information and ideas will be exchanged.

A carefully constructed A&TBCB foundation has been laid. It is designed to accommodate needed growth and attendant changes and the exercise of alternative approaches for compliance. It provides for the constructive involvement and guidance of member and nonmember agencies to "ensure compliance" with the Architectural Barriers Act of 1968.